

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Telephone Number Requirements for IP-Enabled Services Providers)	WC Docket No. 07-243
)	
Local Number Portability Porting Interval and Validation Requirements)	WC Docket No. 07-244
)	

**COMMENTS OF
ONE COMMUNICATIONS CORP.**

One Communications Corp. (“One Communications”), by its attorneys, hereby submits its comments in response to the Commission’s *Notice of Proposed Rulemaking* in the above-captioned dockets.¹ One Communications is the largest privately-held competitive local exchange carrier in the United States. It provides local and long distance phone data services to business customers in 16 states in the Northeast, mid-Atlantic and upper Midwest regions.

Although the obvious objective of local number portability (“LNP”) is to promote consumer choice, the rules and industry practices governing LNP must strike a delicate balance between efficiency and reliability to facilitate such choice. Taking too long to effectuate a customer’s port request certainly yields frustration with the carrier change process and hinders competition. At the same time, the porting process that will take place within any established interval must be reasonably achievable and well-defined to avoid unintended delay and confusion, or, worse still, disruptions to or other adverse impact on the customer’s service. Accordingly, One Communications urges the Commission to take several steps as described

¹ See *Telephone Number Requirements for IP-Enabled Services Providers*, WC Docket No. 07-243 *et al.*, Report and Order, Declaratory Ruling, Order on Remand, and Notice of Proposed Rulemaking, FCC 07-188 (rel. Nov. 8, 2007) (“NPRM”).

below to ensure uniform implementation of timely, efficient, and effective LNP validation processes that ensure a positive customer experience without placing undue burdens on carriers.

I. THE COMMISSION SHOULD ENSURE THAT ITS RULES ADEQUATELY ACCOUNT FOR BOTH PRACTICAL OPERATING CONCERNS AND CONSUMER CHOICE.

The Commission is seeking comment on its tentative conclusion to reduce the porting interval for wireline-to-wireline and intermodal simple port requests² to 48 hours.³ The existing four business day interval for wireline-to-wireline simple ports was adopted based upon recommendations of the North American Numbering Committee (“NANC”) in the same 1997 report in which it was addressing fundamental implementation matters such as the schedule for selecting LNP vendors and other basic requirements.⁴ In 2004, NANC proposed reducing the porting interval for intermodal ports to 53 hours, based upon several options for reducing both the “confirmation interval” and the “activation interval” that comprise the process necessary to effectuate a port.⁵

One Communications believes that the Commission must examine the entire porting process and not simply focus on the end result of imposing a 48-hour interval on the industry. Under existing guidelines, rules and industry standards, the first 24 hours of the porting cycle is

² One Communications filed a Petition for Clarification seeking additional direction from the Commission regarding the amount of LNP data that carriers may request for both validating and accomplishing simple ports as well as guidance that a port on a loop provisioned over a UNE is not a simple port. *See* Pet’n for Clarification and for Limited Waiver for Extension of Time filed by One Communications Corp., WC Docket No. 07-243, *et al.* (filed Feb. 5, 2008) (“One Communications Petition”). One Communications will not repeat those arguments in these comments but contends that these are important issues that the FCC must address.

³ *NPRM* at ¶ 60.

⁴ *See NANC LNP Selection Working Group Final Report and Recommendation to the Federal Communications Commission*, Appendix E (rel. Apr. 25, 1997).

⁵ *See NANC Report and Recommendation on Intermodal Porting Intervals*, Prepared for the NANC by the Intermodal Porting Interval Issue Management Group at 6 (dated May 3, 2004) (“2004 NANC Report”); *see also Telephone Number Portability*, Second Further Notice of Proposed Rulemaking, CC Docket No. 95-116, 18 F.C.C. Rcd 18515, 18517-19 (2004) at ¶¶ 4-10.

and most likely would still be required to account for the confirmation interval, the period during which the new carrier awaits return of a firm order confirmation from the old carrier associated with its Local Service Request (“LSR”). A significant portion of the second 24 hours of the porting interval is now absorbed by lapse of the two nine-hour NPAC timers needed to address matters such as conflict resolution during the activation interval.⁶ In effect, this could leave as little as six hours within which to accomplish the port.⁷

The Commission must take into account the existing process and the changes required in order to meet a target porting interval of 48 hours. Should the Commission adopt its tentative conclusion as a rule, the Commission must clarify that the clock on the 48-hour porting interval begins to tick once an accurate and complete port request is received by the Old Service Provider, between the hours of 8 a.m. and 3 p.m., eastern time, Monday through Friday.⁸ Any port request submitted outside of these hours would not be considered received until 8 a.m. on the following business day. Moreover, in calculating the 48-hour interval, the Commission should measure only business days such that a port received on a Friday during business hours would not have to be completed until the following Tuesday, assuming no intervening holidays. This would ensure that appropriate support is in place so that carriers can have resources in place to manage the porting process. Without such clarifications, and subject to the following

⁶ See 2004 NANC Report at 16.

⁷ In this regard, One Communications presumes that the Commission’s comment in paragraph 59 of the *NPRM* about potentially “codifying” the voluntary 2.5 hour porting interval currently applicable to wireless-to-wireless ports was intended to apply *only* to wireless-to-wireless ports. As the timeframes herein demonstrate, even a 48-hour interval in the context of wireline-to-wireline ports would leave little time for a carrier to complete a port after other necessary parties (i.e., the old carrier and NPAC) have completed their parts of the process.

⁸ Although Comcast Corporation previously proposed an interval based upon receipt of a port request within a 7 a.m. to 2 p.m. window, there are two concerns with this proposal. Comments of Comcast Corporation, CC Docket No. 95-116, at 9 (filed Feb. 8, 2007). First, Comcast’s proposal does not distinguish between business days and calendar days. Thus, the clock on a port request received on a weekend or holiday would appear to start ticking immediately under Comcast’s proposal. Second, it is unclear what time zone (if any) Comcast was considering in proposing a 7 a.m. to 2 p.m. window, but One Communications notes that NPAC SMS “business hours” are 8 a.m. to 8 p.m. eastern time. See 2004 NANC Report at 16. It would seem advisable to keep the start of any window relating to porting consistent with the opening of NPAC SMS business hours.

paragraph, One Communications submits that the 48-hour interval would be too aggressive a timeframe for the industry to meet without major changes both to companies' internal systems as well as industry practices.

Should the Commission choose to change the porting interval, it is also essential that the Commission provide a reasonable period of time before the shortened interval becomes effective, in which carriers can address process changes, automation, training, and even potential hiring as necessary. It would defeat the purpose of accelerating the porting interval to mandate such a change without giving individual carriers, and the industry as a whole, the chance to engage in adequate evaluation and planning activities prior to implementation. To be prepared to complete port requests effectively within a window as short as 48 hours, each carrier will need to evaluate how it handles such matters now (under a 4-day interval, *twice* as long as proposed), assess the volumes and frequency of received port requests (both current and forecasted), develop new processes and identify potential systems improvements to ensure completion within the shorter interval, and, depending upon volume and/or frequency expectations, potentially hire new employees to ensure timely processing of ports. Industry working groups will also undoubtedly need to confer numerous times during this period to address any inter-carrier issues that arise in the implementation process. Thus, One Communications recommends the Commission allow carriers at least twelve months after the effective date of any rule requiring a 48-hour interval to implement the interval.²

Finally, keeping in mind that the ultimate goal of LNP is to promote consumer choice, the Commission should clarify that the required porting interval will not apply to the extent that the customer affirmatively chooses to schedule the port for a later date. In the experience of One

² The Commission might also want to require status reports from the NANC during this period to monitor implementation and assess any concerns raised during the implementation process.

Communications, it is not uncommon for customers to request that their carrier change and the porting of telephone numbers occur at a more distant date and time. Thus, the Commission should expressly provide that the interval requirement is inapplicable where the customer has selected a date and time for completion of porting and activation of a new carrier's service that is beyond the 48-hour interval (or two business days as recommended by One Communications) measured from the time that the accurate port request is submitted.

II. COMPLETE REVIEW OF LOCAL SERVICE REQUESTS MUST BE ADDRESSED IF THE PORTING PROCESSES AND INTERVALS ARE TO HAVE ANY MEANING.

A. Notwithstanding The Limited Number Of Fields Required For Simple Port Validation, The Commission Should Require Carriers To Undertake A Complete Review Of Each Local Service Request Prior To Rejection.

One of the arguments put forward by those seeking to reduce the number of validation fields required for simple ports was that such reduction would help avoid multiple instances of rejection, or "fallout," based upon errors contained in LSR fields that had nothing to do with porting.¹⁰ With the number of validation fields having been reduced, the Commission has logically asked whether this eliminates the need for a rule requiring thorough review of LSRs in advance of rejection.¹¹ Unfortunately, the reduction of validation fields does nothing to resolve the issue and, to the contrary, such review is needed as much now as before.

Validation is but one part of the porting process -- as the Commission is well aware, following validation, a carrier must then, of course, *accomplish* the port.¹² Many of the fields on the LSR apply to the task of accomplishing the port, and the same concerns that applied in the case of repeated rejection of LSRs for errors in validation fields, apply with equal force in the

¹⁰ Comments of Charter Communications, Inc., CC Docket No. 95-116, at 5-6 (filed Feb. 8, 2007).

¹¹ *NPRM* at ¶ 57.

¹² See One Communications Petition (seeking clarification that the Commission's order reducing the number of fields that could be required for validation did not limit the fields required to accomplish a port), *supra* n.2.

context of accomplishment. Put more specifically, a submitting carrier might now pass through the simplified four-field validation process without issue, only to face the prospect of multiple rejections *after validation* for errors detected during the accomplishment phase. Thus, the Commission's reduction of the validation fields does nothing to address the concern that incomplete review of the LSR will result in unnecessary delay and confusion for the submitting carrier and the customer.

Verizon argued against a four-field validation process on the basis that it was not "reasonable to expect carriers to port a telephone number where there are errors in the fields on the number portability request form."¹³ This is a valid point, but to ensure smooth operation of the number portability system, there has to be a corresponding responsibility on the part of the porting-out carrier. By the same logic, it is unreasonable for carriers to fail to review an *entire* LSR for errors before returning the LSR to the submitting carrier for correction. Indeed, if a carrier is truly concerned about making sure the porting process goes smoothly for the customer - - with as little possible cause for delay or disruption¹⁴ -- what better way to do so than to make sure that the entire order is correct as an initial matter, rather than engaging in a sequential review process that could not be less customer-oriented or more delay-oriented? Thus, the establishment of a four-field validation process does not address the underlying concerns of delay and gamesmanship in the LSR review process, and there is still significant need for the Commission to require a complete review of each LSR upon receipt *for identification and explanation of all errors therein* prior to returning the LSR to the submitting carrier.

¹³ Letter from Ann D. Berkowitz, Associate Director, Federal Regulatory Advocacy, Verizon to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 95-116 (filed July 27, 2007) at 2.

¹⁴ See, e.g., *id.* (expressing concern that proceeding based upon four-field validation could "lead to a complete loss of service").

B. An Error or Omission with Respect to a Passcode Should Not be Grounds for Rejecting a Port Request.

As it considers further rules governing validation and rejection of port requests in this proceeding, the Commission should make clear that an error with respect to a passcode or the failure to provide a passcode in a validation field does not justify rejection of a port request. In the experience of One Communications, very few wireline providers utilize passcodes with respect to customer accounts (except perhaps for discrete purposes such as online account access), so the field should have little applicability in the context of wireline-to-wireline ports in the first instance. Moreover, customers' passcodes are not contained on the Customer Service Records used to prepare LSRs -- the only way that a new carrier can obtain such information is through the customers themselves. In many cases, however, the customer may have forgotten (or incorrectly recalled) an applicable passcode, or it may be that the customer has multiple passcodes with the same carrier (one for online billing/account access, another for accessing CPNI over the phone, a third for voicemail access, etc.) and provides the wrong one. And unlike other LSR errors that might be remedied without bother to the customer, there would appear to be no other way to address a passcode error or omission than to approach the customer, have the customer interact with their would-be-former service provider to obtain or reset the passcode, and then have the customer provide the passcode to the new carrier. Rejecting port requests in such instances would thus only frustrate the customer and unnecessarily complicate the port process. Furthermore, when the customer contacts the old carrier to obtain the password, that presents an opportunity for a carrier to engage in inappropriate retention marketing, thereby frustrating competition and harming the public interest. The Commission should therefore make clear that a failure to provide a passcode, or the presence of an error within the passcode validation field, does not justify rejection of a port request.¹⁵

¹⁵ To the extent that there is any concern on the part of an executing carrier that the absence of a passcode in one of the validation fields on a port request might result in liability for an unauthorized carrier change, the Commission's rules are clear that liability for such falls upon the submitting carrier and the submitting carrier would still

III. CARRIERS SHOULD NOT BE REQUIRED TO PROVIDE AFFIRMATIVE NOTICE OF CHANGES TO THEIR PORTING REQUIREMENTS AND PROCESSES.

One Communications disagrees with the recommendations of Charter that carriers be required to provide affirmative notice of all changes to their porting requirements and processes and prohibited from making changes to those procedures without such notice.¹⁶ Although apparently well-intentioned, and while certainty in the porting process is a desirable objective, Charter's recommendations are far too constricting -- especially for carriers continuously seeking to improve and increase the efficiency of their operations. The proposals should also be considered premature in light of the amount of work and process change that would need to be undertaken over the next twelve to eighteen months if the Commission were to adopt wireline-to-wireline, intermodal, and/or other porting intervals or other requirements currently under consideration in this proceeding. The Commission should focus on establishing first the proper rules to govern port validation and accomplishment, rather than trying to dictate the internal processes by which individual carriers might administer number portability. If a specific concern arises with respect to how a carrier's processes comply with the Commission's rules, or if it appears that a carrier is engaging in anticompetitive conduct by constantly modifying its processes to frustrate number porting, the affected party is always free to bring such concerns to the Commission's attention through a variety of formal or informal avenues.

IV. CONCLUSION

One Communications cautions the Commission to consider the porting process in its entirety prior to reducing the porting interval to 48-hours for wireline-to-wireline and intermodal simple ports. The Commission must carefully define the accelerated interval and ensure that carriers are given adequate time (*i.e.*, at least twelve months from the effective date of the new

have been required to comply with all applicable provisions of the Commission's carrier change requirements. *See, e.g.*, 47 C.F.R. § 64.1140(a).

¹⁶ Charter Comments at 9-10.

rules) to evaluate and implement the changes necessary to satisfy that interval. One Communications also believes that the Commission can greatly enhance the efficiency and effectiveness of the porting process by requiring carriers to undertake a complete review of each port request prior to rejecting any such request, so that repeated rejections can be minimized or avoided altogether. With better definition as to how and why a port request can be rejected, the Commission can greatly enhance the process of porting telephone numbers and thereby promote competition and consumer choice.

Respectfully submitted,

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